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**FILED**

July 15, 2004

**NEW JERSEY STATE BOARD  
OF MEDICAL EXAMINERS**

By: Kevin R. Jespersen  
Deputy Attorney General  
(973) 648-7454

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IN THE MATTER OF THE SUSPENSION:  
OR REVOCATION OF THE LICENSE  
OF

MOHAMED Z. DAHHAN, M.D.  
License No. 25MA07493700

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC  
SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF MEDICAL  
EXAMINERS  
Docket No.

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LICENSED TO PRACTICE MEDICINE :  
AND SURGERY IN THE STATE OF NEW :  
JERSEY

Administrative Action  
  
INTERIM CONSENT ORDER

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This matter was opened to the New Jersey State Board of Medical Examiners (the "Board") upon receipt of a letter from Susan Fruchtman, Esq., attorney for Mohamed Z. Dahhan, Esq., informing the Board that the Clifton Police Department served Dr. Dahhan with three criminal complaints (the "Criminal Complaints"), each Complaint charging Dr. Dahhan with unlawful sexual contact in violation of N.J.S.A. 2C:14-3b. The charges against Dr. Dahhan have yet to be presented to a grand jury. The charges stated in the Criminal Complaints against Dr. Dahhan, if true, would constitute violations of the statutes and regulations governing the practice of medicine and surgery in the State of New Jersey. The

**CERTIFIED TRUE COPY**

attorney for Dr. Dahhan **represents** that Dr. Dahhan **denies** the **allegations** of the Criminal Complaints and intends to **vigorously** contest the **charges**. Dr. Dahhan, through **his** attorney, offered to **seek** an **arrangement** by which the public interest will be protected while Dr. Dahhan **contests** the **criminal allegations** and prior to the presentation to a grand jury of the allegations contained in the Criminal Complaints. The Board **has determined** that **the** within **disposition** is adequate to **protect** the **public health**, safety and welfare at this time. Dr. **Dahhan consents** and **agrees** to each and every term of this Consent **Order**. For such reasons and other good **cause** shown,

IT IS on this 14<sup>th</sup> day of July, 2004,

ORDERED:

1. A chaperone (the "Chaperone") **shall be present** whenever Dr. Dahhan encounters a patient, **whether** male or **female**, for any **reason whatsoever**. The Chaperone **must remain present** throughout the encounter and must remain in a position so **as to have** a clear line of sight to the patient.

2. The **Chaperone** must be a **licensed** health care **professional** who hold a **valid** license **issued** pursuant to a Chapter of Title 45 of the **New Jersey Statutes**.

3. **The Chaperone must be approved**, in advance, **by the Board**. The **Board** has delegated the authority to approve **the Chaperone** to the Medical Director of the Board, and the Medical Director's

approval of the Chaperone shall be sufficient for purposes of this Order.

4. Dr. Dahhan shall promptly furnish to the Board the full name, home address, telephone number, type of license, and license number of the Chaperone. Dr. Dahhan shall promptly inform the Board of any changes in any of the information he provides to the Board with regard to the Chaperone.

5. Counsel for Dr. Dahhan has represented that Dr. Dahhan currently provides medical services to patients at the Essex County Jail, Chilton Hospital, Englewood Hospital and Barnert Hospital [hereinafter collectively, the "Designated Facilities"). The requirements of paragraphs 3 and 4 of this Order shall not apply to those instances in which Dr. Dahhan treats patients at the Designated Facilities. Whenever Dr. Dahhan encounters a patient, whether male or female, at the Designated Facilities, a registered nurse or licensed practical nurse shall act as Chaperone. Such Chaperone must remain present throughout the encounter and must remain in a position so as to have a clear line of sight to the patient. In addition, such Chaperone shall initial the patient's chart to indicate that the Chaperone observed Dr. Dahhan treat the patient and that Dr. Dahhan was not alone with the patient. Such Chaperone shall promptly complete and execute an Agreement to Chaperone and Certification substantially in the form of Exhibit A attached to this Order. The Chaperone shall include in the

Agreement and Certification a telephone number at which the Medical Director may contact the Chaperone. Dr. Dahhan shall every Friday send to the Medical Director, by telecopier, each and every Agreement to Chaperone and Certification that was completed and executed by any Chaperone during the immediately prior week. All the provisions of this Consent Order shall apply with regard to Dr. Dahhan's Chaperones at the Designated Facilities, except paragraphs 3 and 4.

6. Dr. Dahhan shall be entirely responsible for any and all costs or expenses associated with the use of the Chaperone as required by the terms of this Order. The Board shall have no responsibility whatsoever for any expenses or costs arising from the use of the Chaperone. Dr. Dahhan, moreover, shall not charge any patient, third-party payor or government benefits program for the use of the Chaperone.

7. The Board may from time to time in its sole discretion consult with the Chaperone for purposes of determining Dr. Dahhan's compliance with the terms of this Order. The Board may delegate to the Attorney General or to the Medical Director the authority to so consult with the Chaperone. Dr. Dahhan hereby waives any claim of privilege or confidentiality he may have with regard to any information that the Chaperone may provide, under the provisions of this Order, to the Board, the Attorney General or the Medical Director. Dr. Dahhan shall take all reasonably necessary actions

to assure the cooperation of the Chaperone with the Board, the Attorney General and the Medical Director.

8. The Board expressly reserves the right and prerogative to review and revise the terms of this Order, including vacating this Order without Dr. Dahhan's consent or agreement, at such time as a grand jury shall complete its deliberations with regard to any of the allegations contained in any of the Criminal Complaints. Dr. Dahhan acknowledges the Board's right and prerogative to so review and revise this Order.

9. The Board expressly reserves the right and prerogative to vacate this Order, without the consent or agreement of Dr. Dahhan, and Dr. Dahhan acknowledges the Board's right and prerogative to so vacate this Order, in the event that:

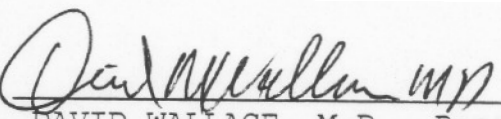
- a. Dr. Dahhan commits a material violation of any term of this Order: or
- b. A grand jury returns a indictment with regard to any of the charges or allegations contained in any of the Criminal Complaints; or
- c. Dr. Dahhan pleads guilty to any charge in the Criminal Complaints, or to any lesser charge based upon any allegation in any of the Criminal Complaints; or
- d. Dr. Dahhan is convicted of any charge in the Criminal Complaints, or of any lesser charge based

upon any allegations in any of the Criminal Complaints; or

- e. Dr. Dahhan enters into a Pretrial Intervention Program pursuant to N.J.S.A. 2C:43-12, et seq. as the result of any charge, accusation or indictment based upon the allegations contained in any of the Criminal Complaints; or
- f. Dr. Dahhan has engaged, or, after the entry of this Order, engages in conduct that violates any regulation or statute governing the practice of medicine and surgery in the State of New Jersey, other than the conduct alleged in the Criminal Complaints.

10. Nothing in this Order shall limit in any way the right and prerogative of the Board or the Attorney General to conduct or to continue any investigation of Dr. Dahhan, including any investigation relating to the allegations contained in the Criminal Complaints. Dr. Dahhan expressly acknowledges that the Board and the Attorney General may conduct or continue any such investigation.

STATE BOARD OF MEDICAL EXAMINERS

By:   
DAVID WALLACE, M.D., President

**EXHIBIT A**